

Entered -10-17-01 - sb
CL 01L0655 - GWENDOLYN BURNS

CLAIM OF:

JAMES KIRKPATRICK
138 Williams Bluff
McDonough, Georgia 30331

01-R-1835

For damages alleged to have been sustained when a subject was erroneously detained by authorities as a result of inaccurate recording of the disposition of a ticket by Traffic Court on December 23, 2000 in Henry County.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL NOV 19 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

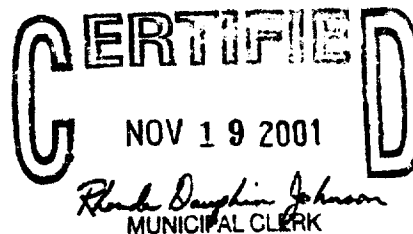
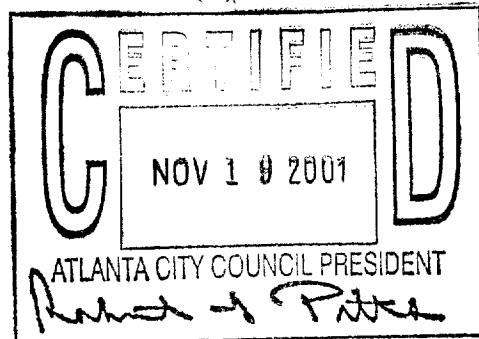
DATE: _____

CHAIR: NOV 19 2001 *C. T. Marshall*

[Signature]

[Signature]

[Signature]





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 30, 2001

James Kirkpatrick
138 Williams Bluff
McDonough, GA 30331

01-R-1835

Dear Mr. Kirkpatrick:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0655

Date: October 31, 2001

Claimant /Victim JAMES KIRKPATRICK
BY: (Atty) (Ins. Co.) _____
Address: 138 Williams Bluff, McDonough, Georgia 30252
Subrogation: _____ Claim for Property damage \$ 340.00 Bodily Injury \$ _____
Date of Notice: 9/28/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 12/23/00 Place: Henry County, Georgia
Department COURT Division Traffic
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained damages when the City Court Clerk failed to properly record the disposition of a ticket issued for a "driving on suspended license" violation which ultimately lead to claimant's suspension of license and wrongful arrest. However, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-21-01
Committee Action _____ Council Action _____

RCS# 3297
11/19/01
5:16 PM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims; Public Safety Items
19 through 37
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

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01-R-1836
01-R-1837
01-R-1838
01-R-1839
01-R-1840
01-R-1841
01-R-1842
01-R-1843
01-R-1844
01-R-1845
01-R-1846
01-R-1847
01-R-1848
01-R-1849
01-R-1850
01-R-1851
01-R-1853
01-R-1855

MULTIPLE